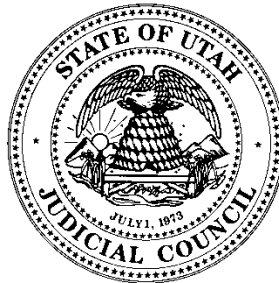




Utah State Courts

Volunteer Court Visitor Program
Finding the Guardian's Whereabouts



February 12, 2015

(1) Acknowledgments

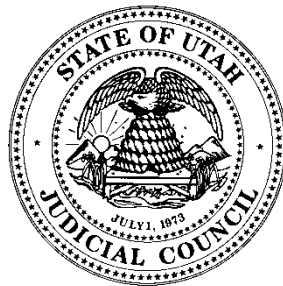
This manual is adapted from a manual by Erica Wood and Ellen Klem of the American Bar Association Commission on Law and Aging, Volunteer Guardianship Monitoring and Assistance: Serving the Court and the Community (2011), developed under a grant from the State Justice Institute. Reprinted by permission of the American Bar Association.

Contributors to that manual are not included here.

This manual is written and published with funds from the State Justice Institute, Grant Number SJI-11-N-001. The points of view expressed are those of the authors and do not necessarily represent the position or policies of the State Justice Institute, the Utah Judicial Council or the Utah State Courts.

The Judicial Council grants permission for this handbook to be reproduced, in print or electronic form, for use in courts and by the judiciary, in institutes of higher learning, and for use by not-for-profit organizations, provided that the use is for noncommercial purposes only and acknowledges original publication by the Judicial Council, including the title of the book and the legend “Reprinted by permission of the Utah Judicial Council.”

Copyright © 2012 Utah State Courts. All rights reserved.



(2) Message from the chief justice

Congratulations on becoming a court visitor, and thank you. You have embarked on what I hope will be a personally rewarding experience. You will be helping the court to appoint and monitor guardians of incapacitated adults. Your contribution of time and effort will make a real difference to the court, to the guardians responsible for vulnerable adults, and to the vulnerable adults themselves.

The court has prepared this series of manuals to introduce you to the world in which people under guardianship live and to serve as a continuing resource as you do your work.

Your contributions will improve the lives of incapacitated adults in our community, provide information on which the judge can base decisions, teach guardians to perform their duties with integrity, and protect incapacitated adults from abuse, neglect and exploitation.

The Utah courts value your important contributions. Again, thank you.

A handwritten signature in black ink, appearing to read 'Matthew B. Durrant', with a long horizontal line extending to the right.

Matthew B. Durrant
Chief Justice, Utah Supreme Court
Presiding Officer, Utah Judicial Council

Volunteer Court Visitor Program: Finding the Guardian's Whereabouts

(1)	Acknowledgments	2
(2)	Message from the chief justice	3
(3)	Role of the court visitor	6
(4)	Getting started	6
(5)	Review court records	7
(6)	Proving who you are	7
(7)	Is the information you have discovered current?	7
(8)	What to look for	8
(9)	Where to look	9
(a)	Telephone book	9
(b)	Office of Vital Records and Statistics	9
(c)	Protected person's family and friends	9
(d)	Check on-line	9
(e)	Protected person's residence facility	10
(f)	Protected person's healthcare provider	10
(g)	Guardian's and protected person's lawyer	10
(h)	Protected person's bank of financial institution	10
(i)	Protected person's faith or spiritual counselors	10
(10)	Local government offices	11
(11)	State government offices	11
(a)	Driver's license information	11
(b)	State taxes and motor vehicle information	11
(c)	Employment information and unemployment benefits (food stamps, financial, medical, child care information)	12
(d)	Birth, marriage, and death records	12
(e)	Other state government offices	12
(12)	Federal government offices	13
(a)	U.S. Department of Veterans Affairs	13
(b)	Social Security	13
(c)	Postal Addresses	13

(13)	Other ideas	14
	(a) Courts Webpage	
	(b) Websites	

(3) Role of the court visitor

The visitor's role is to re-establish contact with a guardian (or conservator) with whom the court has lost contact. The visitor is looking for addresses, email addresses, telephone numbers or any other current contact information. Usually, if the court has lost contact with the guardian, the court has also lost contact with the protected person. Usually re-establishing contact with either means re-establishing contact with the other.

(4) Getting started

The court file may have information about the guardian's and the protected person's last known residential address and phone number. And about the protected person's bank, health care provider, relatives, and perhaps family. You will be inquiring of these and other people and institutions to find out whether they know the guardian's or protected person's whereabouts.

- (1) Receive the certified copy of the order assigning you as visitor from the program coordinator. Some people you interview may want a copy of the assignment order. You may make copies of the assignment order to show or leave with them.
- (2) Review the court records for important documents and information. Contact the clerk responsible for the case to see whether any inquiries about the guardian's whereabouts have already been made.
- (3) You may make personal notes about the case to take with you, but court records may never be removed from the courthouse. Records must not be written on or changed in any way. If you need a document from a file, you may consult with the court clerk to determine whether a copy of the document may be made.
- (4) Be sure to protect your notes and copies of any court records. Do not leave them where someone else can see them or take them. Be sure to return them to the Program Coordinator for shredding after you have filed your report. Guardianship records are private so do not show documents to anyone else, other than the order assigning you as a visitor.
- (5) Print a blank report form: Report on Whereabouts. Using your notes and the instructions for completing the form, complete the report form as soon as possible and submit it to the Program Coordinator. The coordinator will file it with the court that assigned you and mail a copy to all of the parties.
- (6) Design your search. Take the simple steps first. Meet with the Program Coordinator if you would like to discuss the search design.
- (7) When you have completed your research, schedule a meeting with the Program Coordinator to discuss the case and your report. Ask whether specific follow-up has occurred or will occur.

(5) Review court records

Get as much information as you can from the court's case about the guardian and protected person and about the people who may know the guardian and protected person. If you have to rely on records of other agencies for current contact information, it will help to have identifying information other than just names. It may help you design your search if you know a little of the protected person's recent life storey.

Note the basics: case number; guardian's name, date of birth, social security number, and last known contact information. And the protected person's name, date of birth, social security number, and last known contact information. The contact information will help you start your search, and the identifying information will help you if you have to match the name that you have with a name on other records.

Note also the name and contact information of interested parties, lawyers, residence facilities, healthcare providers, financial institutions, etc. Look for information in the file about the people who know, work with, or provide services for the guardian or protected person. These people may still know the guardian's whereabouts.

(6) Proving who you are

Except for the information that you gather from the internet, you will probably have to go in person to the office that you are interested in. Most organizations will not give out information about their clients, and none are likely to do so without an in-person meeting.

During your investigation, you will probably have to convince people that you are making legitimate inquiries, rather than just being a snoop—or worse. For public records from government agencies that will not matter; public records are available to snoops. But for private organizations—and for people who are justifiably cautious—your credentials will include the court order assigning you to the case and describing your authority. You will also have picture ID, identifying you as a court visitor.

Experience shows that an organization's "front line" people, who you will likely contact first, are reluctant to share information, even though they are permitted to do so by the law or by the organization's own policies. Your inquiries are not part of their routine. Part of their mission may be to protect the privacy and safety of the people you are inquiring about—their clients. Explain your purpose. Ask to see a supervisor if that is needed. But most of all be patient and be courteous. If you are ultimately refused the information, include in your report the fact that you made the contact and were refused. At a minimum, the court will know that that avenue has not been explored, and the court may be able to take additional steps.

(7) Is the information you have discovered current?

After you obtain contact information for the guardian or protected person that is different from what is in the case file, you will try to confirm whether it is current.

- Records can quickly become out-of-date if an organization does not have the opportunity to update their records regularly.
- The information from healthcare providers will be as current as the last appointment. These organizations confirm or update their records at every opportunity.
- If you obtain a telephone number or email address, you can call or write. Remember, if there is no response, nothing has been confirmed. If you prefer not to use your personal phone or email, contact the Program Coordinator to use a court telephone or a court email account.
- If you obtain a residential or work address, you can go to that address and ask for the guardian or protected person. Say simply that you are a court visitor working with the court to follow up on the guardianship appointment. The court has been trying to contact the guardian and has been unable to do so. Before meeting the guardian in person contact the Program Coordinator and review our court visitor manual [Protected Person's Circumstances and Well Being](#), which offers suggestions for your personal safety.

(8) What to look for

- Ultimately you are trying to contact the guardian, so you are looking for the guardian's current address, email address or phone number.
- Ask each source about contact information for both the guardian and the protected person. Re-establishing contact with either usually means re-establishing contact with the other.
- Ask also for the guardian's and protected person's date of birth and social security number. This identifying information will help you confirm a match between an organization's records and the people you are looking for. You can use an organization's records to confirm the information from the court's file, or to obtain information missing from the court's file. Be cautious if the date of birth or social security number are different from the court's file. There are three possibilities:
 - the court's information is incorrect;
 - the organization's information is incorrect; or
 - despite having the same name, the person you are looking for is not the person whose records you are looking at.
- The guardian will have a his or her own history of records separate from that of the protected person.
- The guardian's contact information will also be part of the history of records for the protected person—at least with the organizations that have provided services to the protected person.

- Ask each source about possible work contacts as well as residential contacts, especially for the guardian.
- Ask each source whether they know of any other possible sources of information. There is a good chance that a residence facility administrator knows the protected person's healthcare providers, for example. The protected person's physician may know the protected person's pharmacy.

(9) Where to look

(a) Telephone book

Do not forget to look in the phone book. The court clerks likely took this step before asking for help from the volunteer court visitor program, but it is best to be sure. Even with websites and social media, the old-fashioned phone book remains a source of information.

(b) Office of Vital Records and Statistics

A common outcome of a search for a guardian is that the protected person—or perhaps the guardian—has died, and no one has notified the court. Contact the [Office of Vital Records and Statistics](#), which has all of the death records in the state. If the protected person has died, locating the guardian remains important. The guardian is supposed to file a final accounting and turn the estate over to the protected person's personal representative for distribution to the heirs. If the guardian has died, the court should appoint another.

(c) Protected person's family and friends

The court's records from the initial appointment of the guardian should include the names and addresses of interested parties. These will be certain family and fiduciary relations described by statute. Generally speaking, people who have or had a personal relationship with the protected person will be better sources of information about current whereabouts than business organizations. But, especially if the court's contact information is old, you may face the same problems finding these people as you do finding the guardian or protected person.

(d) Check on-line

[411.com](#) is a website with free directory assistance.

Social media: The courts do not yet have a Facebook page for the court visitor program, so if you want to search for the guardian using social media, you will have to use your personal accounts.

The guardian may have a webpage with Facebook, Instagram, LinkedIn, Twitter, Tumblr or other internet-based social media. Depending on the page's security settings, the guardian may have made his or her contact information publicly available. Even if

contact information is not available, you may be able to find more information from public postings. In order to see private postings, you will have to “friend” or “follow” the guardian, or take some other step required by the particular social media. This is permitted, but you may not want to use your personal account to do so.

Court records. This is another source that the court clerks probably have already tried, but it may have been overlooked. The guardian may have other court cases. A traffic ticket, for example, or a divorce or small claims case. Records in other court cases may contain information that is more current than the guardianship case. You can search all district court and justice court records in the state on xChange. Your service as a volunteer court visitor includes an xChange account with access to guardianship records, but to search other records on xChange, you will need the help of the Program Coordinator or court clerk.

(e) Protected person’s residence facility

If the protected person lived in a facility rather than a private home, the guardian should have reported that to the court. The protected person may still live in the facility or the facility may know of the protected person’s next residence. The facility probably has worked with the guardian and should have contact information for the guardian.

(f) Protected person’s healthcare provider

A protected person may have several healthcare providers: physician; dentist; eye doctor; pharmacy; and others. These medical providers probably have worked with the guardian and should have contact information for the guardian. The court order assigning you includes language required by HIPAA that allows you to review medical records.

(g) Guardian’s and protected person’s lawyer

The names of the lawyers involved in the initial guardianship appointment will be part of the court file. The lawyer who represented the guardian may still represent the guardian. If so—or even if not—the lawyer may have the guardian’s current contact information. The lawyer who originally represented the protected person probably no longer does, but s/he may have useful information.

(h) Protected person’s bank of financial institution

If the guardian filed any annual reports, they should have listed the protected person’s bank accounts, and the bank should have contact information for both guardian and protected person.

(i) Protected person’s faith or spiritual counselors

The court’s file probably does not have any information about the protected person’s faith or spiritual beliefs. If you can identify a local church or synagogue attended by the

guardian or protected person, that church or synagogue may have contact information for them. The most likely source of information about the protected person's faith or spiritual counselors is the protected person's family and friends.

(10) Local government offices

Look on-line or in the phone book for contact information for the official you are trying to reach.

- The County Recorder keeps mortgages, liens, deeds and other legal documents about the ownership of real estate. Most of these records are public records. You can look at them for free and make notes. There likely will be a fee for copies.
- The County Assessor keeps property tax records. Most of these records are public records.
- The County Clerk keeps voter registration records. These records also are public records.
- Police records. Police records often are not public, but your court visitor identification and court order should be enough to show your authority to review them.

(11) State government offices

(a) Driver's license information

[Department of Public Safety, Driver License Division](http://publicsafety.utah.gov/dld/)

[\(http://publicsafety.utah.gov/dld/\)](http://publicsafety.utah.gov/dld/)

Chelsey Burns

Supervisor for Field Services, Auditing and Training

801-965-4963

cburns@utah.gov

(b) State taxes and motor vehicle information

[Utah Tax Commission](http://tax.utah.gov/)

[\(http://tax.utah.gov/\)](http://tax.utah.gov/)

Dolores Furniss

Disclosure Officer

210 N 1950 W

Salt Lake City, UT 84134-6110

801-297-3822

801-297-3709 (fax)

dfurniss@utah.gov

(c) Employment information and unemployment benefits (food stamps, financial, medical, child care information)

[Department of Workforce Services](#)

(<http://www.jobs.utah.gov/>)

Lynn Thomas

801-526-9244 (fax)

infodisclosure@utah.gov

- In order for the Department of Workforce Services to be able to assist in locating guardians and protected persons, they are requesting you provide as much identifying information as possible such as:
 - Name of guardian and protected person
 - Social Security number for guardian and protected person
 - Birthdates of guardian and protected person
- Email request, including as much information as possible, along with the court order to the above identified email.

(d) Birth, marriage, and death records

[Office of Vital Records and Statistics](#)

(<http://www.health.utah.gov/vitalrecords/>)

Wendy Cover

Records Supervisor

801-538-6376

801-538-7012 (fax)

[wcover@utah.gov\(email\)](mailto:wcover@utah.gov)

- Email request, including as much identifying information you have, along with the court order to the above identified email.

(e) Other state government offices

[Office of Recovery Services](#). Much of the child support ordered by the court or by ORS itself are paid to or through ORS.

Ken Ransom

(801)536-8636(phone)

(801)536-8636(fax)

wcover@utah.gov

- Email request, including as much identifying information as you have, along with the court order to the above identified email.
- [Adult Protective Services](#). APS investigates reports of abuse, neglect and exploitation of vulnerable adults.
- [Child and Family Services](#). DCFS investigates abuse and neglect of children, provides preventive services and education to families to assist them in protecting their children.

(12) Federal government offices

(a) U.S. Department of Veterans Affairs

Department of Veterans Affairs

John Ruttinger

888-407-0144 (choice 6) (employee227)

(801)708-7371(fax)

John.ruttinger@va.gov

- Fax request, including as much identifying information as you have, long with the court order to the above referenced fax number.

(b) Social Security

If the Social Security Administration(SSA) is paying the protected person a retirement or other benefit, the SSA has contact information for the protected person's "representative payee." Even if the representative payee is someone other than the guardian, s/he may have information about the guardian or the protected person. Also, the SSA may be depositing the benefits into the protected person's bank account, and the SSA will be able to identify that bank.

[Social Security Administration](http://www.ssa.gov/pgm/reach.htm)

(<http://www.ssa.gov/pgm/reach.htm>)

[Social Security Office Location](http://www.socialsecurityofficelocations.com/state/UT.html)

(<http://www.socialsecurityofficelocations.com/state/UT.html>)

(c) Postal Addresses

Contact the Post Master General. Provide an explanation as to what you are looking for. Include the Guardian's full name and last known address, the case number and a copy of the Court Order. At your request they should provide you with a forwarding address if one was provided. (*The U.S. Postmaster General is the executive head of the U.S. Postal Service (USPS). This position differs from a postmaster of a postal office. A postmaster is the person in charge of an individual post office.*)

[Information on the U.S. Postmaster General and the Executive Leadership Team](https://about.usps.com/who-we-are/leadership/pmg-exec-comm.htm#p=1)

(<https://about.usps.com/who-we-are/leadership/pmg-exec-comm.htm#p=1>)

Contact the Postmaster General:

The Postmaster General does not have a direct phone line available to the public. To reach the Postmaster General's office, you can call the main USPS number at 1-800-ASK-USPS (1-800-275-8777), Monday through Friday, 8 a.m. to 8:30 p.m. ET, and Saturday from 8 a.m. to 6 p.m. ET (except federal holidays). You may also contact the office of the Postmaster General by e-mail or by mail at:

Postmaster General
United States Postal Service
475 L'Enfant Plaza SW
Washington DC 20260-0010

Need More Information? Try These Additional Resources:

[Find a Post Office, Postmaster, or ZIP Code](https://about.usps.com/who-we-are/postmasterfinder/)

(<https://about.usps.com/who-we-are/postmasterfinder/>)

[U.S. Postal Service](https://www.usps.com/)

(<https://www.usps.com/>)

(13) Other ideas

- (a) The court's webpage for [Finding People for Service of Process](http://www.utcourts.gov/howto/service/finding_people.html) (http://www.utcourts.gov/howto/service/finding_people.html) offers suggestions for finding people for the purpose of serving them with a summons in a lawsuit. You may find some of these suggestions helpful for your search.

(b) Websites

We have a subscription to Instant Checkmate which can be utilized. We have a standard subscription. Do not upgrade your report or request premium services as this will cause unauthorized charges.

[Instant Checkmate](http://www.instantcheckmate.com/)

(<http://www.instantcheckmate.com/>)

visitor@utcourts.gov (username)

Password (Contact Holly Kees @ 801-238-7030)

[Find a Grave](http://www.findagrave.com/)

(<http://www.findagrave.com/>)

visitor@utcourts.gov (email)

Password (Contact Holly Kees @ 801-238-7030)